REMARKS

In a first Office Action dated December 2, 2004, the Examiner rejected claims 1-5, 7-9, and 11-13 under 35 U.S.C. §102(b) as being anticipated by Howe et al. (U.S. patent no. 5,590,171, hereinafter referred to as "Howe"). The Examiner rejected claims 6, 10, and 14-20 under 35 U.S.C. §103(a) as being unpatentable over Howe. The rejections and objections are traversed and reconsideration is hereby respectfully requested.

The Examiner rejected claims 1-5, 7-9, and 11-13 under 35 U.S.C. §102(b) as being anticipated by Howe. Referring first to with claim 7, the claim has been amended to provide a communication network that includes a bearer distribution network for transport of Internet Protocol (IP) bearer traffic associated with a surveillance target. The network includes a collection gateway that is interfaced with the bearer distribution network and with a law enforcement agency and a surveillance server that is interfaced with the bearer distribution network and the collection gateway. The surveillance server receives a request for surveillance services from a requesting agency, receives signaling related to call set up for a call associated with the surveillance target, and in response to receipt of the signaling, announces the call to the collection gateway and provides surveillance-related signaling information to the collection gateway. Further, the bearer distribution network is responsive to the surveillance server to direct the IP bearer traffic associated with the surveillance target to the collection gateway without the interposition of the surveillance server, which bearer traffic and the surveillance-related signaling information can be accessed by the law enforcement agency via the collection gateway. Howe teaches nothing concerning an IP-based network and does not teach the surveillance server, the collection gateway, or the IP-based bearer distribution network of claim 7.

Howe teaches a wireline, circuit switched communication system. The system includes multiple local switches (SSPs) 160-160' that interface with wireline phone end users 120, 130, 140. Each SSP 160-160' is connected to a signal transfer point (STP) 167 via a dedicated signaling (SS7) network and exchanges call set up signaling with the STP via the SS7 network. STP 167 is further coupled to a service control point (SCP) 170 via

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a dedicated signaling (SS7) network, which SCP maintains the call features and service features associated with each subscriber. The communication system further includes a service node 180 that is coupled to an SSP of the multiple SSPs 160-160' and that provides a conference bridge for calls that are to be monitored.

In Howe, when a calling party, i.e., end user 120, initiates a call to a called party, i.e., end user 130, the signaling associated with the set up of the call is routed to an SSP serving the end user, i.e., SSP 160'. SSP 160' queries SCP 170, via STP 167 and the dedicated SS7 networks, for routing information based on the signaling. SCP 170 then determines whether a customized feature or an enhanced service is to be implemented for this particular call. When the call is to be monitored, SCP 170 then returns routing instructions to SSP 160, via STP 167 and the dedicated SS7 networks, which information includes an identity of a switching node, i.e., switching node 180. SSP 160 then routes the signaling to service node 180. Service node 180 compares the received signaling information to information stored in a database of the service node to determine whether the call is to be accorded special treatment, such as monitoring services. When the call is to be monitored, the database of service node 180 further includes an identifier of the monitoring party, i.e., end user 140. When the call is to be monitored, service node 180 then assigns a conference bridge to the call and establishes three dedicated communication circuits to the call, that is, a circuit linking the conference bridge and calling party 120, a circuit linking the conference bridge and called party 130, and a circuit linking the conference bridge and monitoring party 140.

By contrast, claim 7 concerns an IP-based packet data communication system and not a circuit switched communication system. IP-based packet data communication systems do not utilize dedicated signaling networks and do not include any of an SSP, STP, and SCP. Accordingly, there is no SCP that is queried by an SSP serving an end user to determine whether a call is to be monitored, and no dedicated signaling circuits for an exchange of monitoring-related signaling information. Thus Claim 7 addresses a problem of how to implement surveillance in an IP-based communication system that includes none of an SSP, STP, and SCP and has no dedicated signaling circuits for an exchange of monitoring information. The Examiner acknowledged that Howe does not

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teach a packet data communication system. However, the Examiner contended that implementation of Howe in a packet data communication system would have been obvious. The applicants respectfully disagree. As noted above, packet data communication systems do not include any of an SSP, STP, and SCP, all of which are required by Howe. Furthermore, packet data communication systems do not include an SS7 dedicated signaling network, which is critical to the operation of the circuit switched system of Howe. Therefore, the implementation of surveillance in a packet data communication system is not obvious based on Howe but instead requires a ground up engineering effort to produce a new method and system. Packet data systems are not extensions of circuit switched systems; rather they are completely different systems.

In order provides for surveillance in an IP-based communication system, claim 7 teaches a bearer distribution network that interfaces with each of a surveillance server and a collection gateway. The collection gateway, in turn, provides an interface to a law enforcement agency. The surveillance server provides surveillance-related signaling information associated with the call to the collection gateway and the gateway forwards the information to the law enforcement agency. The collection gateway further captures bearer packets associated with the surveillance target from the bearer distribution network without the interposition of the surveillance server and forwards the packets to the law enforcement agency. Thus the surveillance server of claim 7 provides functionality different from the serving node of Howe, as the serving node of Howe merely connects the monitoring party to a conference call by establishing a voice path between the monitoring party and a conference bridge and does not provide surveillance-related signaling information to the monitoring party, and further the serving node of Howe must be interposed in the voice path between the calling party and the called party in order for the call to be monitored. In addition, the circuit based system of Howe requires dedicated signaling circuits, which are not available in an IP-based system as taught by claim 7, and further uses SCPs and STPs, which also are not available in an IP-based network as taught by claim 7.

Therefore, Howe does not teach the features of claim 7 and the applicants respectfully request that claim 7 may now be passed to allowance. Since claims 8-13

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depend upon allowable claim 7, the applicants respectfully request that claims 8-13 may now be passed to allowance.

Claim 1 has been amended to provide a method for providing surveillance services within a packet data communication network, wherein the communication network includes a bearer distribution network for transport of Internet Protocol (IP) bearer traffic associated with a surveillance target. The method includes receiving, by a surveillance server, a request for surveillance services from a requesting agency, transmitting, by the surveillance server, a surveillance message to a collection gateway, the surveillance message including surveillance information associated with the request, transmitting call signaling information to the bearer distribution network, and responsive to the call signaling information, directing IP bearer traffic associated with the surveillance target to the collection gateway via the bearer distribution network and without the interposition of the surveillance server, wherein the collection gateway is coupled to an access point being accessible to the requesting agency. As noted above, these features are not taught by Howe. Accordingly, the applicants respectfully request that claim 1 may now be passed to allowance.

Since claims 2-5 depend upon allowable claim 1, the applicants respectfully request that claims 2-5 may now be passed to allowance.

Claim 15 provides a computer program embodied on a computer-readable medium for providing surveillance within a communication network that includes a bearer distribution network for transport of Internet Protocol (IP) bearer traffic associated with a surveillance target, wherein a server operates in accordance with the computer program. The program includes a first routine that directs the server to receive a request for surveillance services from a requesting agency, a second routine that directs the server to transmit a surveillance message to a collection gateway, the surveillance message includes surveillance information associated with the request; and a third routine that directs the server to transmit call signaling information to the bearer information network, wherein responsive to the call signaling information, the bearer distribution network directs the bearer traffic to the collection gateway without the interposition of the surveillance server, and wherein responsive to the surveillance information, the collection

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gateway directs the bearer traffic to an intercept access point for communication to the requesting agency. As noted above, these features are not taught by Howe. Accordingly, the applicants respectfully request that claim 15 may now be passed to allowance.

Since claims 16-19 depend upon allowable claim 15, the applicants respectfully request that claims 16-19 may now be passed to allowance.

As the applicant has overcome all substantive rejections and objections given by the Examiner and has complied with all requests properly presented by the Examiner, the applicant contends that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the applicant respectfully solicits allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Respectfully submitted,

William Bondy et al.

By:_____
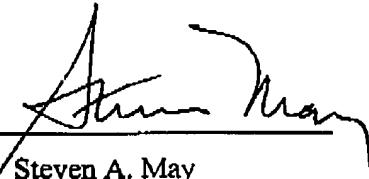
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